

**F A X C O V E R****Date** May 28, 2003**Number of pages** (including cover): 13**To** Office of Petitions
Crystal Plaze 4, Suite 3C23
United States Patent and Trademark Office**FAX RECEIVED****MAY 28 2003****Fax Number** 703.308.6916**PETITIONS OFFICE****Applicants** Jon Strong et al.**Serial No:** 10/036,710**Confirmation No.** 6493**Filing Date:** December 21, 2002**Title:** METHOD AND APPARATUS FOR INTEGRATING WIRELESS COMMUNICATION
AND ASSET LOCATIONORIGINAL DOCUMENTS SENT: ☐ 1st Class Mail ☐ Overnight Mail ☐ Air Mail ☒ Not Sent**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that a Transmittal Lette in duplicate; Supplemental Declaration; Petition for Three Month Extension of Time; and a copy of Decision on Renewed Petition dated December 13, 2002 in the above-referenced application are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Jeanne A. Spinelli

Typed or Printed Name of Person

Date: May 28, 2003

Signing Certification

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Wolf, Greenfield & Sacks, P.C. | 600 Atlantic Avenue | Boston, Massachusetts 02210-2206
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Wolf Greenfield Fax Number: 617.720.2441**PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION**

Docket No.: P00723.70048.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon Strong et al.
Serial No: 10/036,710
Confirmation. No.: 6493
Filed: December 21, 2001
For: METHOD AND APPARATUS FOR INTEGRATING WIRELESS
COMMUNICATION AND ASSET LOCATION
Examiner: Not yet assigned
Art Unit: 2661

CERTIFICATE OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that this document is being facsimile transmitted to Attention: Office of
Petitions, Commissioner for Patents, Fax No. 703.308.6916 on the 28th day of May, 2003.



Jeanne Spinelli

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED

MAY 28 2003

PETITIONS OFFICE

Sir:

Transmitted herewith are the following documents:

- ☒ Request for Reconsideration Under 37 C.F.R. §1.47(a)
- ☒ Copy of Decision on Renewed Petition dated December 13, 2002
- ☒ Supplemental Declaration for Patent Application
- ☒ Petition for Three Month Extension of Time

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch
is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

The Commissioner is hereby authorized to charge any fee that is due to the account of the
undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By: 

John N. Anastasi, Reg. No.: 37,765
M/Brad Lawrence, Reg. No.: 47,210
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: 617.720.3500
Representatives for Applicant

Docket No.: P00723.70048.US
Date: May 28, 2003
x05/28/2003x

Docket No.: P00723.70048.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon Strong et al.
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The undersigned hereby certifies that this document is being facsimile transmitted to Attention: Office of
Petitions, Commissioner for Patents, Fax No. 703.308.6916 on the 28th day of May, 2003.


Jeanne Spinelli

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED

MAY 28 2003

PETITIONS OFFICE

Sir:

PETITION FOR THREE MONTH EXTENSION OF TIME

A three month extension of time, to and including May 28, 2003, is requested for
response to the Patent Office Communication of December 13, 2002.

The extension fee of \$930.00 as set forth in 37 C.F.R. §1.17(a)(3) may be charged to
Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By: 

John N. Anastasi, Reg. No.: 37,765
M. Brad Lawrence, Reg. No.: 47,210
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: 617.720.3500
Representatives for Applicant

05/07/2004 EEKUBAY1 00000085 232825 10036710

01 FC:2254 725.00 DA

Docket No.: P00723.70048.US
Date: May 28, 2003
x05/28/2003x

05/20/2003 CKHLOK 00000007 232825 10036710

01 FC:1254 1450.00 DA

654216.1

Adjustment date: 01/07/2004 EEKUBAY1
06/20/2003 CKHLOK 00000007 232825 10036710
01 FC:1254 1450.00 CR

Docket No.: P00723.70048.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon Strong et al.
Serial No: 10/036,710
Confirmation. No.: 6493
Filed: December 21, 2001
For: METHOD AND APPARATUS FOR INTEGRATING WIRELESS
COMMUNICATION AND ASSET LOCATION
Examiner: Not yet assigned
Art Unit: 2661

CERTIFICATE OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that this document is being facsimile transmitted to Attention: Office of Petitions, Commissioner for Patents, Fax No. 703.308.6916 on the 28th day of May, 2003.



Jeanne Spirelli

Mail Stop Petition
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

FAX RECEIVED**MAY 28 2003**

PETITIONS OFFICE

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.47(A)

In response to the Decision on Petition mailed December 13, 2003, Applicant submits the following response.

Background

On December 21, 2001, Applicants submitted an application for the above-referenced invention, naming Jon Strong, Jay Werb, and Colin Lanzi as joint inventors. A Declaration for Patent Application executed by inventors Werb and Lanzi was submitted with the application (inventor Strong failed to execute the Declaration). On February 26, 2002, a "Notice to File Missing Parts of Nonprovisional Application (hereinafter, "the Notice") was mailed indicating that an executed oath or declaration and a surcharge of \$65 was required.

Applicants' representative responded to the Notice by submitting a Petition to Make Application on Behalf of a Refusing Inventor Under 37 C.F.R. 1.47(a), the petition fee, the \$65 surcharge, a one-month extension of time, a copy of an employment agreement signed by inventor Strong, a copy of a letter sent to inventor Strong, and a copy of inventor Strong's response.

Serial No.: 10/036,710
Docket No.: P00723.70048
Page 2 of 2

The Office of Petitions dismissed Applicants' Petition and mailed a copy of the decision (hereinafter, "the Decision") on September 10, 2002. The Decision stated that the "Rule 47(b) applicant must sign on behalf of the non-signing inventors, and the submitted declaration of the parent application is not relevant to the present application."

In response, Applicants submitted a Supplemental Declaration for Patent Application on November 11, 2002 executed by the Rule 47(b) inventor, the assignee RF Technologies, on behalf of the non-signing inventor.

The Office of Petitions dismissed Applicants' Renewed Petition and mailed a copy of the decision (hereinafter, "the second Decision") on December 13, 2002. The second Decision stated that the "title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(a)" and that the Supplemental Declaration did not reveal the signor's name or title. Accordingly, Applicants' representative hereby resubmit the Supplemental Declaration which now includes the signor's name and title.

By submitting herewith the Supplemental Declaration for Patent Application, Applicants' representative believe they have met requirements (1)-(6) of 37 C.F.R. §1.47(a) and hereby request reconsideration. If there is anything else required, Applicants respectfully request the Petitions Office to contact the attorneys of record at the telephone number listed below.

Respectfully submitted,

By: 

John N. Anastasi, Reg. No.: 37,765
M. Brad Lawrence, Reg. No.: 47,210
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: 617.720.3500
Representatives for Applicant

Docket No.: P00723.70048.US
Date: May 28, 2003
x05/28/2003x

JNA



UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKETED

DEC 20 2002

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 9

John N. Anastasi
Wolf, Greenfield & Sacks P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston MA 02210

| | |
|------------------|-------------------------------------|
| File Folder: | 2-1303 |
| ECB | <input checked="" type="checkbox"/> |
| Docket Entry | <input checked="" type="checkbox"/> |
| Docket Cross Off | <input checked="" type="checkbox"/> |
| Order Copies | <input checked="" type="checkbox"/> |
| Annuities | <input checked="" type="checkbox"/> |
| Confirmation | <input checked="" type="checkbox"/> |

COPY MAILED

DEC 13 2002

OFFICE OF PETITIONS

In re Application of
Jon Strong, Jay Werb, and Colin Lanzl
Application No. 10/036,710
Filed: December 21, 2001
Attorney Docket No. P00723/70048 JNA
Title: METHOD AND APPARATUS FOR
INTEGRATING WIRELESS
COMMUNICATION AND ASSET
LOCATION

DECISION ON RENEWED PETITION

FAX RECEIVED

MAY 28 2003

PETITIONS OFFICE

This is in response to the renewed petition under 37 C.F.R. §1.47(a)¹, filed November 11, 2002.

The petition is **DISMISSED**.

NOTICE:

Any request for reconsideration of this decision under 37 C.F.R. § 1.47(a) must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. Failure to respond will result in abandonment of the application. The request for reconsideration should include a cover letter entitled "Second Renewed Petition

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR §1.63.

Application No. 10/036,710
Decision on Renewed Petition

Page 2

under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted in this decision, except that the reply may include an oath or declaration executed by the non-signing inventor.

Thereafter, there will be no further reconsideration of this matter^{2,3}.

On December 21, 2001, the application was deposited, identifying Jon Strong, Jay Werb, and Colin Lanzl as joint inventors. The application was deposited without a fully executed oath or declaration (inventor Strong failed to execute the declaration). On February 26, 2002, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that an executed oath or declaration and a surcharge of \$65.00 were required. This Notice set a two-month period for reply.

The original petition was dismissed for failure to meet the sixth requirement above. The submitted declaration pertained to Application No. 09/791,037, the parent of the instant application. It was determined that the Rule 47(b) applicant must sign on behalf of the non-signing inventors, and the submitted declaration of the parent application is not relevant to the present application⁴.

With the instant petition, a supplemental declaration has been submitted which correctly identifies the instant application, and is executed by a representative of one "RF Technologies". This declaration is defective for the reason discussed below.

The rule 47(b) applicant must make the required oath or declaration. The declaration must state the relationship of the person, making the oath or declaration, to the inventor, and upon information and belief, the facts which the inventor is required to state. Where a corporation is the 47(b) applicant, an officer thereof should normally sign the necessary oath or declaration. Regardless, the title or position of the person signing must be stated. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP 324⁵. Where an application is executed by one other than the inventor,

² For more than a century, punctuality and due diligence, equally with good faith, have been deemed essential requisites to the success of those who seek to obtain the special privileges of the patent law, and they are demanded in the interest of the public and for the protection of rival inventors. See: Porter v. Loudon, 7 App.D.C. 64 (C.A.D.C. 1895), citing Wollensak v. Sargent, 151 U.S. 221, 228, 38 L. Ed. 137, 14 S. Ct. 291 (1894). An invention benefits no one unless it is made public, and the rule of diligence should be so applied as to encourage reasonable promptness in conferring this benefit upon the public. Automatic Electric Co. v. Dyson, 52 App. D.C. 82; 281 F. 586 (C.A.D.C. 1922). Generally, 35 U.S.C. §6; 37 C.F.R. §§1.181, 182, 183.

³ If, on the second request for reconsideration, Petitioner fails to satisfy the showings burden required: (a) the resulting decision may be one viewed as final agency action; and (b) provisions for reconsideration, such as those at 37 C.F.R. §1.137(e), will not apply to that decision.

⁴ See 37 CFR 1.63(d)(3).

⁵ MPEP 409.03(b).

Application No. 10/036,710
Decision on Renewed Petition

Page 3

the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(a). Submission of an oath or declaration in compliance with 37 CFR 1.63 and 1.64 is required, as the declaration submitted with the instant petition has been executed by an employee of RF Technologies, but does not reveal the signor's name or title. Alternatively, petitioner may submit a proper declaration executed by both of the non-signing inventors.

In light of the recent events, the USPTO **strongly** prefers that the reply to this letter be submitted by facsimile⁶. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery⁷), the reply may be mailed⁸.

Notice regarding fees:

Historically the fees that the USPTO charges for doing business increase at the beginning of each fiscal year (October 1). However, no final determination has been made on fees for FY03 at this point, and fiscal year 2003 was started with the same fee structure as last fiscal year.

Please be advised that applicants should monitor the USPTO website for future updates whenever any necessary money is sent.

For more information, see www.USPTO.gov, click on "News and Notices", and under the "Patents" column you will find the above information⁹.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

⁶ (703) 308-6916, Attn: Office of Petitions.

⁷ Office of Petitions, 2201 South Clark Place, Crystal Plaza 4, Suite 3C23, Arlington, VA 22202.

⁸ Commissioner for Patents, Box DAC, Washington, DC 20231.

⁹ The direct URL is: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/feenotice.htm>

Attorney Docket No. P00723.70048

SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe the named inventor(s) to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR INTEGRATING WIRELESS COMMUNICATION AND ASSET LOCATION

the specification of which is attached hereto unless the following is checked:

☒ was filed on December 21, 2001, as United States Application No. 10/036,710, Confirmation No. 6493, bearing attorney docket No. P00723.70048.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

| | |
|---|---|
| <u>60/160,460</u> (Application Number) | <u>October 21, 1999</u> (filing date) |
| <u>60/181,848</u> (Application Number) | <u>February 11, 2000</u> (filing date) |
| <u>60/183,193</u> (Application Number) | <u>February 17, 2000</u> (filing date) |
| <u>60/191,030</u> (Application Number) | <u>March 21, 2000</u> (filing date) |
| <u>60/216,242</u> (Application Number) | <u>July 6, 2000</u> (filing date) |
| <u>60/239,593</u> (Application Number) | <u>October 11, 2000</u> (filing date) |
| <u>60/247,080</u> (Application Number) | <u>November 10, 2000</u> (filing date) |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

654211.1

Page 3 of 3

Serial No.: 10,036,710
Declaration for Patent Application

| | Date |
|------------------------------|--|
| Inventor's signature | |
| Full name of joint inventor: | Jay Werb |
| Citizenship: | USA |
| Residence: | 44 Lombard Street Newton, MA 02458-2514 |
| Post Office Address: | 44 Lombard Street Newton, MA 02458-2514 |

| | Date |
|------------------------------|---|
| Inventor's signature | |
| Full name of joint inventor: | Colin Lanzi |
| Citizenship: | USA |
| Residence: | 83 Nottingham Drive Nashua, NH 03062 |
| Post Office Address: | 83 Nottingham Drive Nashua, NH 03062 |

5-21-03
Date

RF Technologies,
3125 N. 126th St.
Brookfield, WI 53005
(Residence and Post Office
Address are the SAME)
Assignee of Record
By: Mark R. Gleisner
Title: CFO
on behalf of:
Full name of joint inventor:
Citizenship:
Residence:
Post Office Address:

Jonathan D. Strong
USA
2730 Seville Road
Rittman, OH 44270
2730 Seville Road
Rittman, OH 44270

Serial No.: 10,036,710
Declaration for Patent Application

Page 2 of 3

U.S. Non-Provisional Application(s)

09/791,037
(Application No.)

February 16, 2001
(filing date)

Pending
(status-patented, pending, abandoned)

The undersigned hereby appoints the Practitioners at Wolf, Greenfield & Sacks, P.C. as defined by:

☒ Customer Number:


23628

to prosecute this application and all related divisional, continuing, substitute, renewal, reissue, and/or re-exam applications, and to conduct all business in the Patent and Trademark Office connected therewith.

☒ Direct all correspondence to the above-mentioned customer number

OR

☐ Correspondence address below:

| | | | | | |
|-----------------|--|-----------|--|-----|--|
| ATTORNEY'S NAME | | | | | |
| FIRM NAME | | | | | |
| ADDRESS | | | | | |
| CITY | | STATE | | ZIP | |
| COUNTRY | | TELEPHONE | | FAX | |

Address all telephone calls to John N. Anastasi at telephone no. (617) 720-3500.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.